



Treaty Series No. 68 (1977)

# Exchange of Notes

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the French Republic  
amending the provisions of the Protocol  
of 6 August 1914 as regards the  
Composition of certain Courts in  
the New Hebrides

London, 10 November 1976

[The Exchange of Notes entered into force on 10 November 1976]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
August 1977*

LONDON

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**EXCHANGE OF NOTES  
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE  
GOVERNMENT OF THE FRENCH REPUBLIC AMENDING THE  
PROVISIONS OF THE PROTOCOL OF 6 AUGUST 1914  
AS REGARDS THE COMPOSITION OF CERTAIN COURTS IN  
THE NEW HEBRIDES**

No. 1

*The French Ambassador at London to the Secretary  
of State for Foreign and Commonwealth Affairs*

*Ambassade de France  
Londres.*

*le 10 novembre 1976*

Monsieur le Secrétaire d'Etat,

J'ai l'honneur de me référer aux entretiens qui ont eu lieu entre les représentants du Gouvernement de la République Française et du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, concernant l'organisation judiciaire des Nouvelles-Hébrides, et de proposer les amendements suivants au protocole relatif aux Nouvelles-Hébrides signé à Londres le 6 août 1914 :

Article 8 :

Au paragraphe 6, ajouter, immédiatement après le cinquième alinéa, l'alinéa suivant :

“ Les Commissaires-Résidents peuvent, par décision conjointe, donner à un co-président d'un tribunal du premier degré nommé en vertu de l'article 21-B.5 (a) ci-dessous, le pouvoir de présider un tribunal indigène à la place d'un délégué ou de son adjoint ”.

Au paragraphe 8, substituer à la dernière phrase du deuxième alinéa, la phrase :

“ Les tribunaux siègeront aussi souvent qu'il sera nécessaire et pourront tenir des audiences foraines dans le territoire de leur juridiction ”.

Article 21-B :

Au paragraphe 5 (a) (1) remplacer les mots “ des deux délégués de la circonscription ” par les mots “ de deux co-présidents, nommés chacun par un Commissaire-Résident ”.

Au paragraphe 5 (f) :

—remplacer dans les alinéas i) et iv) le mot “ délégué ” par les mots “ co-président nommé par le Commissaire-Résident ”.

—remplacer dans les alinéas ii), iii) et v) “ le délégué qui exerce la présidence ” par les mots “ le président ”.

Si la proposition ci-dessus reçoit l'agrément du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, j'ai l'honneur de suggérer que la présente note et la réponse de Votre Excellence dans ce sens constituent un accord entre les deux Gouvernements qui entrera en vigueur à la date de votre réponse.

J'ai l'honneur d'être de Votre Excellence

le très humble et

très obéissant serviteur.

J. de BEAUMARCHAIS

No. 2

*The Secretary of State for Foreign and Commonwealth Affairs  
to the French Ambassador at London*

*Foreign and Commonwealth Office  
London S.W.1*

HPH 370/1

10 November 1976

Your Excellency

I have the honour to acknowledge receipt of Your Excellency's Note of to-day's date, which in translation reads as follows:

"I have the honour to refer to the discussions which have taken place between representatives of the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the organisation of the judicial system in the New Hebrides and to propose the following amendments to the Protocol respecting the New Hebrides signed at London on 6 August 1914:(<sup>1</sup>)

**Article 8:**

In paragraph 6, there shall be inserted immediately after the fifth sub-paragraph the following sub-paragraph:

"The Resident Commissioners may by joint decision empower a Co-President of a Court of First Instance appointed in accordance with Article 21 (B) paragraph 5 (a) to preside over a Native Court in place of a District Agent or Assistant District Agent."

In paragraph 8, the last sentence of the second sub-paragraph shall be deleted and replaced by the following:

"The Courts shall sit as often as shall be necessary, and may make circuits in their areas of jurisdiction."

**Article 21 (B):**

In paragraph 5(a) (i), the words "the two Agents of the district" shall be deleted and replaced by the words "two Co-Presidents of whom each Resident Commissioner shall appoint one".

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(<sup>1</sup>) Treaty Series No. 7 (1922), Cmd. 1681.

In paragraph 5(f):

in sub-paragraphs (i) and (iv) the word "Agent" shall be deleted and replaced by the words "Co-President appointed by the Resident Commissioner";

in sub-paragraphs (ii), (iii) and (v) the words "the Agent to act as President" shall be deleted and replaced by the words "the President".

If the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to suggest that this Note and Your Excellency's reply to that effect shall constitute an Agreement between the two Governments which shall enter into force on the date of your reply."

In reply I have the honour to inform you that the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland who therefore agree that Your Excellency's Note and the present reply shall constitute an Agreement between the two Governments which shall enter into force on this day's date.

I have the honour to be  
with the highest consideration  
Your Excellency's obedient Servant  
(for the Secretary of State)

H. S. H. STANLEY